

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

JONATHAN S. ABADY  
MATTHEW D. BRINCKERHOFF  
ANDREW G. CELLI, JR.  
RICHARD D. EMERY  
DEBRA L. GREENBERGER  
DIANE L. HOUK  
DANIEL J. KORNSTEIN  
JULIA P. KUAN  
HAL R. LIEBERMAN  
ILANN M. MAAZEL  
KATHERINE ROSENFELD  
ZOE SALZMAN  
SAM SHAPIRO  
EARL S. WARD  
O. ANDREW F. WILSON

ATTORNEYS AT LAW  
600 FIFTH AVENUE AT ROCKEFELLER CENTER  
10<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000  
FAX: (212) 763-5001  
www.ecbawm.com

VASUDHA TALLA

ERIC ABRAMS  
NAIRUBY L. BECKLES  
MARISSA BENAVIDES  
DAVID BERMAN  
NICK BOURLAND  
DANIEL M. EISENBERG  
SARA LUZ ESTELA  
ANDREW K. JONDAHL  
SANA MAYAT  
HARVEY PRAGER  
VIVAKE PRASAD  
MAX SELVER  
EMILY K. WANGER

March 8, 2023

*Via ECF*

Hon. Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

*Re: McKoy, et al. v. The Trump Corp., et al., No 18 Civ. 9936*

Dear Judge Schofield:

Together with Kaplan Hecker & Fink LLP, this firm represents Plaintiffs in the above-captioned matter. Pursuant to Your Honor's February 21, 2023 Order, Plaintiffs' motion for class certification is due on March 10, 2023. Dkt. 516. We write to respectfully request that the Court grant Plaintiffs leave to file a 40-page memorandum of law (15 excess pages) with up to 40 accompanying exhibits.

The parties have conducted extensive party, non-party, and expert discovery in this case concerning Defendants' nearly decade-long endorsement of ACN, including depositions of 28 witnesses. Plaintiffs seek leave to file excess pages and exhibits in order to sufficiently apply the Federal Rule of Civil Procedure 23 factors for class certification to this voluminous record.

The additional exhibits Plaintiffs seek to file include data and information relevant to the Rule 23 factors, including: (1) print articles, videos, websites, and other marketing materials documenting the various statements Defendant Donald Trump made as an ACN paid endorser concerning the ACN Independent Business Owner ("IBO") Opportunity, which give rise to Plaintiffs' claims; (2) documents detailing ACN IBO enrollment data, which will be used to ascertain and quantify the proposed Classes; (3) excerpts of reports by three expert witnesses, whose opinions will be used to demonstrate the falsity and materiality of Trump's statements; (4)

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transcript excerpts from the 30(b)(6) deposition of non-party ACN, which describe how Trump's endorsement of ACN was communicated and used to recruit prospective IBOs.

Plaintiffs sought Defendants' consent in this request, which is made in good faith based on what Plaintiffs believe is necessary to address the issues raised by Plaintiffs' class certification motion. Defendants consent only to Plaintiffs filing a 30-page brief.

For the reasons stated, Plaintiffs respectfully request leave to file a 40-page brief and up to 40 exhibits in support of their motion for class certification.

Respectfully submitted,

/s/

Matthew D. Brinckerhoff  
Katherine Rosenfeld  
Nick Bourland